

Reply to Final Office Action of December 30, 2008

Kolze *et al.*
Appln. No.: 10/809,685

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 2, 9-11 and 20-36 are pending in the application, with claims 1 and 9 being the independent claims. Claims 3-8 and 12-19 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 20-36 are sought to be added. Support for the new claims may be found in the original claims and elsewhere throughout the specification as filed. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

On page 2 of the Office Action, claims 1 and 3 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0033611 to Grimwood *et al.* ("Grimwood"). Applicants respectfully traverse.

In rejecting independent claim 1, the Examiner contended that Grimwood disclosed all elements of claim 1. Applicants respectfully disagree with the Examiner's position for at least the following reasons.

Independent claim 1 was amended to more clearly recite the claimed subject matter. Claim 1 recites:

...
transmitting a first downstream signal using the first downstream
transmitter in the central entity to the one or more remote devices . . . ;
...

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transmitting a second downstream signal using the second downstream transmitter in the central entity to the one or more remote devices

Grimwood does not disclose all elements of claim 1. For example, Grimwood fails to disclose “transmitting a second downstream signal using the second downstream transmitter in the central entity.” Grimwood does not disclose a central unit having two downstream transmitters.¹

The Examiner mischaracterizes Grimwood. For example, the Examiner states on page 2 of the Office Action that Grimwood discloses “a second transmitter (data transmitted (second transmitter) by the RU in the CU, paragraph [0012], page 2, lines 26-29) in the central entity.” Later, the Examiner states that Grimwood shows a second transmitter in the CU (Office Action, page 3, “using the second transmitter in the central entity”), and implies that “data transmitted by the RU” discloses a second signal transmitted from a central unit.

First, Grimwood does not describe “the RU in the CU”. These are separate units. “RU” is Grimwood’s acronym for “remote unit” and “CU” is Grimwood’s acronym for “central unit.” RUs are located remotely to the CU. (Grimwood, [0003], stating that “different remote units (RUs) [are] at differing distances from a central unit (CU)”). FIGs. 1, 2, and 4 illustrate systems showing at least portions of both an RU and a CU. On the left of a division in each figure are the CU portions and on the right are the RU portions. The CU and the one or more RUs are coupled via “shared media” forming upstream and downstream channels. (*See also, e.g.*, Grimwood, [0012], [0048] - [0051], [0077], etc.).

¹ Applicants renew previous arguments presented in previous replies. In the instant reply, however, Applicants wish to focus attention on this particular fundamental difference between the applied reference and the claimed invention.

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Second, Grimwood's CU has only one downstream transmitter. Paragraph [0012] was cited by the Examiner as showing two downstream transmitters in a central unit. In fact, paragraph [0012] does not specify any number of downstream transmitters in the CU. It simply states that downstream data is transmitted by the CU. (See, e.g., Grimwood [0012] stating "downstream data transmitted by the CU,"). Elsewhere, however, Grimwood describes a CU having a single transmitter. For example, see Grimwood, paragraph [0019] (" . . . to the RU to adjust its transmitter."), paragraph [0265] ("the CU transmitter"). Furthermore, no figure shows the existence of two downstream transmitters in the CU. For example, see FIGs. 1, 2, and 4 illustrating systems showing at least portions of both the RU and the CU.

Because Grimwood discloses central units having only one transmitter, Grimwood does not disclose "transmitting a second downstream signal using the second downstream transmitter in the central entity." For at least these reasons, independent claim 1 is patentable over Grimwood. Reconsideration and allowance of claim 1 is respectfully requested. Claim 3 was canceled, rendering its rejection moot.

New claims 20 - 27 depend from claim 1. For at least the reasons above, and further in view of their own features, dependent claims 20 - 27 are patentable over the cited reference. Accordingly, Applicants respectfully request consideration and allowance of claim 20 - 27.

Rejections under 35 U.S.C. § 103

On pages 3-9 of the Office Action, claims 2, 4, and 8 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Grimwood in view of U.S. Patent No. 6,539,050

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to Lee *at al.* ("Lee"). Claims 5-7, 9-19 were rejected under § 103(a) as allegedly being unpatentable over Grimwood. Applicants respectfully traverse.

Grimwood and/or Lee, alone or in any combination, do not recite each and every element of claim 9. Claim 9 recites, *inter alia*:

...
a first downstream transmitter configured to transmit a first downstream signal to one or more remote devices, wherein the first downstream signal includes first timing information based on a first symbol clock of the first downstream transmitter;
a second downstream transmitter configured to transmit a second downstream signal to the one or more remote devices, wherein the second downstream signal includes second timing information based on a second symbol clock of the second downstream transmitter

For example,² Grimwood does not disclose an apparatus having a first downstream transmitter and a second downstream transmitter as discussed above with respect to the § 102 rejection. Moreover, adding the RU to the CU does not result in an additional downstream transmitter, as the RU transmitter is an upstream transmitter. (See, e.g., Grimwood, [0017]). Furthermore, Grimwood's RU transmitter is not "configured to transmit a [first/second] downstream signal to [the] one or more remote devices" as are the first and second downstream transmitters of claim 9. On the contrary, the RU's upstream transmitter transmits signals upstream to the CU. (See, e.g., FIGs. 1, 2 and 4 and explanations throughout Grimwood such as [0066] and [0070]).

² Again, Applicants renew previous arguments presented in previous replies. In the instant reply, however, Applicants wish to focus attention on this particular fundamental difference between the applied references and the claimed invention.

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Lee fails to remedy this deficiency in Grimwood. The Examiner has not asserted otherwise. For at least these reasons, claim 9 is patentable over the cited references. Claims 10 and 11 depend from claim 9. For at least the reasons above, and further in view of their own features, dependent claims 10 and 11 are patentable over the cited references. Accordingly, Applicants respectfully request consideration and allowance of claims 10 and 11.

For reasons similar to those for claim 9, independent claim 1 is patentable over the cited references. Claim 2 depends from claim 1. For at least the reasons above, and further in view of its own features, dependent claim 2 is patentable over the cited references. Accordingly, Applicants respectfully request consideration and allowance of claim 2.

Claims 4-8 and 12-19 were canceled, rendering rejection of these claims moot. New claims 20-27 and 28-36 depend from independent claims 1 and 9 respectively. For at least the reasons above, and further in view of their own features, dependent claims 20-36 are patentable over the cited references. Accordingly, Applicants respectfully request consideration and allowance of claims 20-36.

Other Matters

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

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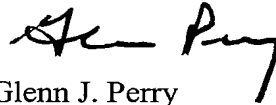
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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